



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

pared for this master stroke of British diplomacy?

If we keep crying out that mandates are a sacred trust of civilization, the Entente premiers may tell us how grieved and shocked the British, French, Italians and Japanese are over our wholly inexplicable selfishness. Burdened with debts, exhausted by a far more formidable military effort than we were called upon to make, confronted with serious post-bellum problems at home, and still with the German problem unsolved on their

hands, they have done their best to assume this trust of civilization. We have never offered to do our part; we have claimed no share in this sacred trust of civilization.

In our thinking on international affairs we Americans are singularly simple-minded. Our attitude in the mandate question proves it. We must share in the responsibilities or waive the privileges. If we keep up our present attitude I fear our former comrades in arms have the right to think that we are either knaves or fools.

Mandates: America's Opportunity

By JAMES G. McDONALD

Chairman, Executive Committee of the Foreign Policy Association

I WAS fortunate enough to be at Geneva during the first half of the meeting of the Assembly, after having spent a couple of months going about Western Europe. I came to Geneva, therefore, with an interesting background of opinion from many states and peoples.

It became evident early in the Assembly that the question of mandates was going to be very important; that it was going to be one of the test subjects before this first world "parliament." The Assembly soon divided, as we say in parliamentary language, between the liberals and the conservatives, and upon no issue did they divide more sharply than on the question of mandates. On no other issue were the liberal leaders—men like Lord Robert Cecil and Dr. Nansen—able to secure anything like the enthusiastic support they received in bearding the Council in its "dog in the manger" policy in reference to this problem. The conservative leaders, particularly Mr. Balfour and Mr. Bourgeois and Mr. Viviani, were determined to insist

that League supervision over mandates was solely a matter for the Council and not for the Assembly. Whether this was a desire to maintain inviolate the prerogatives of the Council, or whether it was actuated by another and less credible motive, I do not attempt to say, but certainly this policy on the part of the conservative leaders created a very bad impression, especially when the Council went so far as to refuse to allow the members of the Assembly's Committee on Mandates to see the text of certain of the mandates unless the members of that committee agreed in advance not to refer to these texts in their published report to the Assembly.

THE COMMITTEE'S REPORT

Despite this opposition, the Assembly's committee investigated the mandate question in great detail and made a report, the chief provisions of which are succinctly given in Mr. Myers'¹ article. I need therefore not repeat them. The importance of that report lies in the courage and frankness with

¹ See page 74.

which the committee pointed out that, so long as the Council insisted upon its opposition to publicity, so long as the Council insisted upon treating the mandates as though they were in effect the private property of the power to which they had been allotted, there was very little prospect of the Assembly counting in the matter at all and, what is more important, very little hope of convincing the world of the disinterestedness of the mandatory powers. The Committee's report ended in a diplomatic protest against the policy of the Council.

This report, rather mild and relatively innocuous, aroused the usually diplomatic Mr. Balfour to the point where he seemed to lose his diplomatic poise and restraint. He took the floor in answer to this report and said to the Assembly, in so many words, that the Assembly could do what it wanted about the mandates, but that the Council could and would ignore any suggestion which infringed upon the Council's prerogatives. Lord Robert Cecil took the floor then in answer to Balfour. It was one of the dramatic moments in that great world assembly. Cecil is a man of great dignity and moral strength and courage, coupled with diplomatic suavity. He said, "How have we offended? Why have we been exposed to the somewhat, shall I say, harsh language of the representatives of Great Britain? I see no offense that we have committed," and he added that the committee of the Assembly had merely desired to furnish the Council, which was "perhaps not infallible," with some suggestion which might be of assistance to it in dealing with this very difficult question. He expressed the hope that the Council would consider the recommendations of the Assembly's committee with good will and the desire to discover whether or not they had any value. He par-

ticularly alluded to the lack of publicity. Lord Robert's remarks were greeted with tumultuous applause. Only on one other occasion do I think that anything like the same feeling was expressed in the Assembly. The point which I wish to emphasize is this. So far as what has happened up to now is concerned, many of the doubts as to the working of the mandate principle are justified, but what we may expect to happen if the League continues to exist, and particularly if the Assembly continues to meet, will show these doubts to have been unjustifiably pessimistic.

RECOMMENDATIONS BY THE COMMITTEE

I should like to describe some of the more important recommendations for the B mandates made by the Assembly's committee. The Committee took as the basis of its recommendation for these mandates, that is, the Central African territories, a program prepared by the British League of Nations Union. The chief provisions of this model mandate were:

I. It is hereby agreed between the council of the League of Nations and the Mandatory, hereinafter termed the Contracting Parties, that the Mandatory shall administer the territory, subject to the Covenant of the League of Nations and to the conditions set out under the terms of this mandate.

II. It is further agreed between the Contracting Parties that

(1) Liberty of conscience and religion should be guaranteed to the inhabitants of the territory, with no limitations other than may be imposed by the necessity of maintaining order; and that

(2) Except for purposes of police or for the defense of the territory, no fortifications or naval or military bases shall be established or maintained in the territory, nor shall any military training be given to the inhabitants of the territory; and that

(3) The traffic in arms shall be suppressed in accordance with the terms of the Convention of Versailles, 1919, for that purpose; and that

(4) The slave-trade in all its forms, and any system of forced labour that is analogous to slavery, shall be completely suppressed in the territory; and that

(5) The manufacture, import, export, or sale of potable liquids containing more than 12 per cent by weight of alcohol shall be forbidden in the territory; and that

(6) There shall be equal opportunities for the trade and commerce of all members of the League of Nations in the territory, and the grant of any monopoly or concession in the nature of a monopoly shall not be valid unless communicated to the League of Nations.

III. It is further agreed between the Contracting Parties that the well-being and development of the peoples of the territory will be best guaranteed by the observance of the following principles, viz.:

(1) The national status for all persons habitually resident in the territory and not having other recognized national status shall be that of citizens of (the territory).

Citizens of (the territory), when outside the boundaries of the territory shall enjoy the diplomatic and consular protection of the Mandatory.

(2) No disability shall be imposed on and no privilege shall be granted to any person in the territory by reason only of his religion, place of birth, descent, color, or any of them.

(3) Native Governments shall be maintained or established for the administration of tribal affairs, subject to the advice and veto of the Mandatory Power.

(4) There shall be a gradual but steadily progressive education and training of the inhabitants of the territory, with a view to the development of such a system of self-government as may be appropriate for the territory, and to the development of the territory for the benefit of its inhabitants.

(5) Such a land policy shall be adopted as will afford to the inhabitants of the territory security of tenure and promote

their economic independence and progress.

The Mandatory shall declare all lands not already alienated by regular title, whether occupied or unoccupied on the date of the coming into force of this Mandate, to be native lands. All native lands, and all rights over same, shall be under the control and subject to the disposition of the Mandatory, and shall be held and administered for the use and common benefit of the natives of the territory; and no title to the occupation and use of any such lands shall be valid without the consent of the Mandatory.

The Mandatory, in the exercise of the powers conferred by this Mandate with respect to any lands, shall have regard to the native laws and customs existing in the district in which such land is situated.

(6) All revenue raised in the territory shall be expended upon it.

IV. The Mandatory shall send to the permanent Mandates Commission of the League of Nations an Annual Report concerning the territory for submission to the Council of the League of Nations.

V. If a dispute arises between the Council of the League of Nations and the Mandatory, or between any state being a member of the League of Nations and the Mandatory, regarding the interpretation of any article or provision of any article in this Mandate, and if such dispute does not prove capable of settlement by direct negotiations between the parties concerned, it may be submitted for determination at the instance of any party thereto to the Permanent Court of International Justice, set up by the League of Nations.

If a complaint is made by any person in the territory of the non-observance of the terms of the Mandate, the complaint may be made to the League of Nations through the Mandatory, and the Council of the League may in its discretion either decide the matter, or refer it for determination to the Permanent Court of International Justice, or to the Assembly of the League.

Members of the League may likewise bring any claims on behalf of their nationals in respect to serious infraction of their rights as guaranteed by this Mandate before

the League of Nations, and the Council of the League may in its discretion either decide the matter or refer it for determination to the Permanent Court of International Justice, or to the Assembly of the League.

The decision of the Permanent Court of International Justice on any point shall be final and binding.

Today the Council has not accepted this covenant, as it were, which the Assembly urged as the basis for the treatment of German East Africa, Kamerun and Togoland. The Council may not accept it tomorrow, but I am confident that if the League goes on, either in this form or in some modified, or rather, shall I say, some disguised form which will permit Mr. Harding to get us in and maintain peace in the Republican Party,—no matter in what form it goes on, if there is in it a popular public assembly, I am confident that the Assembly's conception of the mandates, rather than Mr. Balfour's and the Council's, will finally prevail.

AMERICA'S PART

At the next meeting of the Assembly, on September 5, this struggle between the forces, I shall not say of darkness and of light, but the forces of the past and of the future, are going to be joined again on this question of mandates. What can we do to strengthen the Cecils and the Nansens, as against the Balfours, in the next Assembly? Unfortunately, we as a nation are not going to be there. We can therefore do very little directly. But can we not do a good deal indirectly? I will venture to make a suggestion which has nothing to do with mandates at all,—a suggestion applicable whether we are in the League or out of the League. Can we not, in the treatment of the peoples and states which are directly or indirectly dependent upon us, give to

Europe an example which will strengthen the forces of those, who, desiring to do justice, and more than justice, to the mandated territories, are striving for a new order in colonial affairs?

I believe that it is more important for us to clean our own door-step than it is to worry about the other person's across the street. My plea, therefore, is: Let us withdraw our marine and naval forces at the earliest possible moment from Haiti. Let us end an occupation which for years has been of doubtful necessity and of questionable legality. Let us end an autocratic control which during much of its existence has exercised a drastic and unreasonable censorship, a censorship abhorrent to every principle of justice and fair play, a censorship we have been taught to associate only with Germanism in Belgium. If we do these things in reference to Haiti whole-heartedly and unreservedly, it will do more to strengthen those who want to do justice for the mandated regions in the next Assembly than any other single thing we might do.

Then, also, let us play fair with the small states of Central America, and particularly in reference to that controversy out of which grew an action by the United States which crushed what was one of the most promising organs of international coöperation in the world, the Central American Court. Very few people know anything about it at all. Why is it not known that because the United States Government refused to permit the adjudication of a dispute between it and some of the Central American states, because it refused to permit this case to go to the Hague Tribunal, this Central American Court, which was our own creation, has now disappeared? It is not known because most of our politicians and public men feel that Americans are such soft-heads that they must be told

always that we are pure and white and spotless, that we can do no wrong, that no one can misinterpret our motives.

It is this "bunk" which keeps the American people from knowing the facts and the truth about their own actions in reference to weak and backward states. It is this lack of knowledge on the part of the American people as to what we have actually done which prevents an informed public opinion, demanding that it be undone. Let us continue our excellent work in Cuba until that island republic can really stand wholly alone. Let us continue our admirable work in the Philippines until the Philippines can also stand wholly alone. In so doing we shall strengthen the forces of liberalism everywhere.

Then there is Mexico. In one sense Mexico is not a backward people and in another sense it is. Certainly it is a very rich but weak nation lying alongside of a powerful nation. Let us continue towards Mexico our policy of forbearance, followed, I hope soon, with a policy of formal recognition and constructive helpfulness. If we continue to help the Mexican people to lift themselves to the full stature of self-government, then again we shall have given to the world an example of the sort of treatment of backward nations which the world needs.

I quoted Lord Robert Cecil in another connection, and I want to quote him once again. A most dramatic moment in the League of Nations

Assembly was occasioned by the peroration in his famous speech on the Council's report. He said:

I am here to represent South Africa, and I represent South Africa because the Prime Minister of South Africa, who unquestionably represents the wishes and the feelings of his people in this matter, was good enough to think that I could more adequately than anyone else present to the Assembly the views which he held. In a very real sense I stand before you as a substitute for General Smuts. Think of that. General Smuts not so many years ago was one of the most redoubtable and successful commanders of the forces of the Boer nation when they were in arms against the British Empire, and I was the son of the Prime Minister who conducted the war on behalf of the British Empire. And yet it now comes about that the General of the Boers goes to the son of the British Prime Minister and asks him to appear before the Assembly of the League of Nations as the best exponent of the General's views on international subjects. How has that result come about? Not by timidity, not by shrinking from a bold action, but by a great act of trust in the Boer people, an act which I do not hesitate to say at the moment seemed to me rash and perhaps premature, but which has more than justified itself by its results. Surely that is an example to us. Do not let us be afraid. . . . I will say to this Assembly, with all the emphasis at my command, let their motto be: "Be just and fear not."

My plea is that we and our government in our relations with our own neighboring and backward peoples may be just and fear not.